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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,284	04/13/2004	Takeshi Kai	12844.0074US01	6046
23552	7590	03/24/2006	EXAMINER	
MERCHANT & GOULD PC			CULBRETH, ERIC D	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			3616	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,284	Applicant(s) TAKESHI KAI	
	Examiner Eric Culbreth	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/04&12/08/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 2, lines 1-8 are unclear (especially lines 4-8) because they contain an incomplete sentence.
 - b. On page 6, line 9 "6" should be "6A-C" (there is no Figure 6).
 - c. On page 7, lines 11 and 14 and throughout the remainder of the specification "..." should be deleted.
 - d. On page 8, lines 1-2 reference numeral 31 refers to both an inflator and a flange (apparently, comparing the drawings with the specification, "31" in line 2 should be "31a").
 - e. On page 9, line 2 "one" should apparently be deleted.
 - f. Page 9, line 5 is reversed (39b are the holes in the drawings, and 39a the fixing portion).
 - g. On page 9, line 14 "is" should be "are".
 - h. On page 9, line 15 "39a" should be "39b".
 - i. On page 12, line 13 "9" should be "9A-C" (there is no Figure 9).
 - j. Contrary to page 12, line 20 reference numeral 39b is not in Figures 9A-C and 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, line 5 there is no antecedent basis for "the time of collision" (it is suggested it be rewritten "a time of collision").

b. In claim 1, line 16, "breaks or extends" is indefinite alternative language, failing to positively recite structure.

c. In claim 1, line 9 there is no antecedent basis for "the polygonal air bag".

Priority

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosugi US005498031A in view of Amamori US006502858B2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kosugi's folded air bag with tearable restricting members 44 coupling the air bag and retainer together to include a plurality of apex portions as taught by Amamori's tether in Figure 5 attached to an extension or apex 13a, 14a in view of Amamori's teaching that restricting tethers can be attached in alternative equivalent manners including Figure 11 of Amamori, where the tether 58 is attached by sewing into the seam like Kosugi, or Figure 5 of Amamori, where the restricting tether is attached to an extension or apex. In view of the indefinite recitation of the polygonal airbag in claim 1, the combination meets the positive limitations of the claim. At any rate, Amamori in the combination teaches a polygonal airbag. Regarding claim 2, Kosugi's apex portions are folded toward a central portion in Figure 2.

7. Claims 1 and 3 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al US006962366B2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fukuda et al's folded airbag with pushed in sides and restricting members 39' attached to the retainer in Figure 16 to include an extension or apex to which the restricting members are attached as taught by Amamori's tether in Figure 5 attached to extension or apex 13a, 14a in view of Amamori's teaching that

restricting tethers can be attached in alternative equivalent manners including Figure 11 of Amamori, where the tether 58 is attached by sewing into the seam like Kosugi, or Figure 5 of Amamori, where the restricting tether is attached to an extension or apex. In view of the indefinite recitation of the polygonal airbag in claim 1, the combination meets the positive limitations of the claim. At any rate, Amamori in the combination teaches a polygonal airbag. Because no certified English translation has been supplied, applicant's priority does not overcome Fukuda et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth
Primary Examiner
Art Unit 3616

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